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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/920,152	08/01/2001 590 07/30/2003	Robert S. Brown	5047A	6325	
Milliken & Company			EXAMINER		
P.O. Box 1926 Spartanburg, SC 29304		6	STINSON, FRANKIE L		
			ART UNIT	PAPER NUMBER	
			1746		
			DATE MAILED: 07/30/2003	DATE MAILED: 07/30/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.			#				
Examiner		Application No.	Applicant(s)				
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of term ray be available under the provisions of 37 CPR 1.73(i). In no event, however, may a reply be timely filled  Extensions of term ray be available under the provisions of 37 CPR 1.73(ii). In no event, however, may a reply be timely filled  Extensions of term pay be available under the provisions of 37 CPR 1.73(ii). In no event, however, may a reply be timely filled  If the period for reply specified shows the ites the mining (aid of the provision of the provision.  **STATUS**  **Responsive to communication(s) filled on **Og July 2003**  2a)  This action is FINAL.  2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claims**  4)  Claim(s) 1, 2, 4/2 AND 9-15 Is/are allowed.  6)  Claim(s) 1, 2, 4/2 AND 9-15 Is/are allowed.  6)  Claim(s) 1, 2, 4/2 AND 9-15 Is/are allowed.  6)  Claim(s) 1, 2, 4/2 AND 9-15 Is/are allowed.  6)  Claim(s) 1, 2, 4/2 AND 9-15 Is/are allowed.  7)  The drawing(s) filled on is/are allowed.  8)  The proposed drawing correction filed on is/are.  Application Papers  9)  The proposed drawing correction filed on is/are.  Application for declaration is objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some of the priority		09/920,152	BROWN ET AL.				
Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Exercised for may be a evalished under the providence of 37 CER 1.15(d). In no event, however, may a raply be timely filled after SX (5) NO/THS from the mailing date of the communication.  Exercised for the may be a evalished under the providence of 37 CER 1.15(d). In no event, however, may a raply be timely filled after SX (5) NO/THS from the mailing date of the communication.  Exercised for the may be a evaluated before of 37 CER 1.75(d).  If NO period for reply is specified above, the maching date of the communication.  Followers of the reply is specified above. The mailing date of the communication.  Followers of the provision of the provision of the communication of the communication of the communication.  Followers of the communication of the communication.  This action is FINAL.  2b  This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parts Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.32 Is/are pending in the application.  4) Of the above claim(s) 3, 4/3-8/3, 17-27 AND 29 is/are withdrawn from consideration.  5) Claim(s) 16.28 and 30-32 is/are rejected.  7) Claim(s) 16.28 and 30-32 is/are rejected.  7) Claim(s) 16.28 and 30-32 is/are rejected.  7) Claim(s) 15.28/2 is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are approved by disapproved by the Examiner.  If approved, corrected drawing sar required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  If approved, corrected drawing correction filed on is/are approved by disapproved by the Exami	S' Office Action Summary	Examiner	Art Unit /				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estancians of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  Estancians of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  Estancians of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  Estancians of time may be available under the provisions of 37 CFR 1.35(a). In overth, however, may a reply be timely filed  Estancians of time may be available under the provisions of the statutory minimum of thinty (30) days will be considered timely.  If NO period for reply is apecified above, the maximum statutory period will apply and will supply and supply	<u> </u>						
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be evaluated by provisions of 3 CFR 1.15(6). In nevent, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication.  It is objected to the provision of the		ears on the cover sheet with the c	correspondence address				
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- 1. Claims 3, 4/3-8/3, 17-27 and 29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.
- 2. Applicant's election with traverse of the invention of GROUP I in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the inventions are so closely related that they should be examined together. This is not found persuasive because the search for the claims in GROUP II and GROUP III are not required in the search of the claims in GROUP I.

The requirement is still deemed proper and is therefore made FINAL.

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 5/2-8/2 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5/2-8/2 have not been further treated on the merits.
- 5. Claims 16 and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over either Watson or Higgins (U. S. Pat. No. 5,381,592).

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Watson and Higgins are both directed to a process of refurbishing/renewing/recycling carpet tiles for reuse, and thusly, it is noted that the claimed product appears to be the same or similar to that of the prior art, although produced by a different process.

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of either Watson or Higgins '592.

Re claim 30, Brown discloses treating the carpet a method of renewing a carpet capable of being renewed, comprising treating the carpet by one of a new color, design, pattern, which give the carpet a new look that differs from the claim only in the recitation of the carpet being cleaned. Watson and Higgins each disclose the cleaning of the carpet. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Brown to have the used tile cleaned before treating, as taught by either Watson or Higgins, for the purpose of removing any undesirable debris that could hinder the desired treatment results. Re claim 31, Brown discloses the steps comprising one of adding cushion, adding backing, adding anti-microbial agents, adding anti-fungal agents and combination thereof.

8. Claim 31 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Brown.

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Brown discloses a tile that has been treated for reuse, and thusly, it is noted that the claimed product appears to be the same or similar to that of the prior art, although produced by a different process.

- 9. Claims 1, 2, 4/2 and 9-15 are allowed.
- 10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Levitch, Endrenyi, Jr. et al., Stephens et al., Mullinax et al., Raus, Japan 8-92880 and Drake, Jr. et al., note the renewing/replacing/recycling of carpet.
- 11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (703) 308-0661. The examiner can normally be reached during the first week of the pay-period M-F from 5:30 a.m. to 3:00 p.m. and during the second week of the pay-period from Tu-Th second from 5:30 a.m. to 3:00 p.m. and on Fri. from 5:30 a.m. to 2:00 p.m. Alternating Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (NON-FINAL REJECTION STATUS) and (703) 872-9311 (AFTER-FINAL REJECTION STATUS).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact Office Manger Ms. Sandra Sewell (703) 308-0661.

fls

FRANKIE L. STINSON Primary Examiner Art Unit 1746